IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

OP.No. 32316 of 2000(V)

PETITIONER:

S.NAZUMUDDIN,
MULLASSERRY MELE HOUSE,
THEKKUMKARA, NEDUMANGAD.

BY ADV. SRI.P.K.MUHAMMED

RESPONDENTS:
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1. **NEDUMANGAD MUNICIPALITY,**
   REP.BY THE SECRETARY,
   NEDUMANGAD, THIRUVANANTHAPURAM DIST.

2. **THE STATE OF KERALA, REP.BY THE SECRETARY,**
   LOCAL ADMINISTRATION DEPARTMENT,
   SECRETARIAT , THIRUVANANTHAPURAM.

BY ADV. SRI.R.S.KALKURA – R1
SRI.P.RAMAKRISHNAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO. 32316/2000

ORDER ON CMP. NO.55116/2000 IN OP. 32316/2000

DISMISSED

06.09.2007 SD/- PIUS C.KURIAKOSE, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PHOTOGRAPHS SHOWING THE SHOPPING COMPLEX AND THE PARKING OF THE VEHICLES.

EXT.P2:- COPY OF THE GOVERNMENT ORDER DT. 28.112.85.

EXT.P3:- COPY OF THE REPRESENTATION DT. 18.11.96.

EXT.P4:- COPY OF THE NEWS ITEMS PUBLISHED IN THE MALAYALA MANORAMA DT. 30.3.98.

EXT.P5:- COPY OF THE REPRESENTATIONS DT.28.7.97, 8.7.99 & 13.10 .99.

EXT.P6:- -DO- -DO-

EXT.P7:- -DO- -DO-

EXT.P8:- COPY OF THE COMMUNICATION DT. 5.6.93 ISSUED BY THE SECRETARY TO GOVERNMENT, LOCAL ADMINISTRATION TO THE COMMISSIONER NEDUMANGAD MUNICIPALITY.

EXT.P9:- COPY OF THE JUDGMENT IN OP.16721/97.

EXT.P10:- COPY OF THE GOVERNMENT ORDER NO.3631/2000/LAD/DT. 18.9.2000.

EXT.P11:- COPY OF THE PROCEEDINGS DT. 8.8.2000.

EXT.P12:- COPY OF THE PETITION DT. 25.9.2000.

/TRUE COPY/

P.S. TO JUDGE

tss

PIUS C. KURIAKOSE, J.

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O.P.No.32316 OF 2000-V

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DATED THIS THE 6TH SEPTEMBER, 2007

J U D G M E N T

This Original Petition is remaining defective for non-completion of service of notice on the respondents. On going through the records, I find that an interim order as prayed for in C.M.P.No.1468 of 2001 was issued by this Court against which the Municipality preferred an appeal. By the judgment in the appeal, the above interim order was modified by the Division Bench. The judgment in the appeal, according to me, grants to the petitioner all reliefs which the petitioner could have aspired for legitimately. The Original Petition will stand dismissed.

(PIUS C.KURIAKOSE, JUDGE)

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PIUS C.KURIAKOSE, J.

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O.P.NO.32316 OF 2000

JUDGMENT

6TH SEPTEMBER, 2007.

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